

04 CR 40026

FDS

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U.S. DISTRICT COURT
DISTRICT OF MASS

March 3, 2005

Assistant U.S. Attorney David Hennessy
U.S. Attorney's Office
U.S. Courthouse
595 Main Street
Worcester MA 01608

RE: United States v. Brian Vallee

Dear David,

Pursuant to Local Rule 116.3(A), I am requesting the following discovery:

1. Statements of Defendant.

In addition to reports regarding relevant statements made to government agents by the defendant, I request any and all notes regarding those statements. This discovery clearly is required by Fed. R. Crim. P. 16(a)(1)(A), which provides for discovery of "any written record containing the substance of any relevant oral statement . . ." See Advisory Committee Notes to 1991 Amendments ("The written record need not be a transcription or summary of the defendant's statement but must only be some written reference that would provide some means for the prosecution and defense to identify the statement"). See United States v. Almohandis, 307 F. Supp. 2d 253 (D.Mass. 2004).

In addition, I note that I did not receive a report regarding the statements allegedly made on September 24, 2003. If one exists, please provide me with those portions that refer to statements by the defendant.

2. Exculpatory Evidence

Per our telephone conversation yesterday, it is my understanding that you do not intend to call David White as a witness. If that position changes, or if you intend to

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call any witness with a criminal record, please provide the criminal records of your witnesses, as they are subject to automatic disclosure. Furthermore, based on our conversation, it is my understanding that you are not calling any witness who has received any promise, reward or inducement from the government. If that is not the case, please provide me with information regarding promises, rewards, or inducements as soon as possible.

Please call me if you have any questions about this matter.

Sincerely,

Miriam Conrad ③
Miriam Conrad

MC:bab

cc: Clerk of Court